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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW

(Legislative Department)

New Delhi, the 31st December, 1965/Pausa 10, 1887 (Saka)

THE LACCADIVE, MINICOY AND AMINDIVI ISLANDS (LAWS) REGULATION, 1965

No. 8 OF 1965

Promulgated by the President in the Sixteenth Year of the Republic of India.

A Regulation to extend certain laws to the Union territory of the Laccadive, Minicoy and Amindivi Islands and to provide for matters connected therewith or incidental thereto.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him :—

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. (*1*) This Regulation may be called the Laccadive, Minicoy and Amindivi Islands (Laws) Regulation, 1965.

(*2*) It extends to the whole of the Union territory of the Laccadive, Minicoy and Amindivi Islands.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Regulation, unless the context otherwise requires,—

(a) "Act" means an Act or Ordinance specified in the Schedule;

(b) "Administrator" means the Administrator of the Islands appointed by the President under article 239 of the Constitution;

(c) "Islands" means the Union territory of the Laccadive, Minicoy and Amindivi Islands.

CHAPTER II

EXTENSION OF LAWS AND REPEAL

Extension of certain laws to the Islands and their commencement therein.

3. (1) The Acts, as they are generally in force in the territories to which they extend, shall extend to the Islands, subject to the modifications, if any, specified in the Schedule.

(2) Notwithstanding anything contained in sub-section (1) or in the relevant provision, if any, of each such Act with regard to the commencement thereof, the provisions of the General Clauses Act, 1897, shall come into force in the Islands at once and the provisions of each of the other Acts shall come into force in the Islands on such date as the Administrator may, by notification in the Official Gazette of the Islands, appoint: 10 of 1897.

Provided that different dates may be appointed for different provisions of any Act and for different areas and any reference in any such provision to the commencement of the Act shall be construed as a reference to the coming into force of that provision in the area where it has been brought into force.

Repeal and saving.

4. (1) Any law in force in the Islands or any area thereof corresponding to any Act referred to in section 3 or any part thereof shall stand repealed as from the coming into force of such Act or part in the Islands or such area, as the case may be.

(2) As from the date of coming into force of the Code of Criminal Procedure, 1898, in the Islands, section 2 [except the definition of "amin" in clause (*ii-a*)], the proviso to sub-section (1) and sub-section (2) of section 8, sections 9 to 20 (both inclusive) and sections 34 and 35 of the Laccadive Islands and Minicoy Regulation, 1912, shall stand repealed and as from the date of coming into force of the Code of Civil Procedure, 1908, in the Islands, Chapter IV (relating to Civil Justice) of the said Regulation shall stand repealed. 5 of 1898. 1 of 1912. 5 of 1908.

(3) Section 33 of the Laccadive Islands and Minicoy Regulation, 1912, and the Amindivi Islands (Restrictions on Entry and Residence) Regulation, 1949, shall stand repealed as from the commencement of this Regulation. 1 of 1912. Mad. Reg. 4 of 1949.

(4) Nothing in sub-section (1), sub-section (2) or sub-section (3) shall affect—

(a) the previous operation of any law so repealed or anything duly done or suffered thereunder; or

(*b*) any right, privilege, obligation or liability acquired, accrued or incurred under any law so repealed; or

(*c*) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or

(*d*) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Regulation had not been made:

Provided that anything done or any action taken (including any appointment or delegation made, notification, instruction or direction issued, form, bye-law or scheme framed, certificate obtained, patent, permit or licence granted, or registration effected) under any such law shall be deemed to have been done or taken under the corresponding provision of the Act extended to the Islands by this Regulation and shall continue to be in force accordingly unless and until superseded by anything done or any action taken under the said Act.

Extension of rules, orders, etc., under certain laws.

5. (*1*) All rules, notifications, orders, regulations and bye-laws made or issued by the Central Government under the provisions of any Act generally for the territories to which such Act extends shall, as from the commencement of the provisions of such Act in the Islands, extend to, and come into force in, the Islands.

(*2*) Notwithstanding anything contained in sub-section (*1*), no rule, notification, order, regulation or bye-law made or issued by the Central Government under the following Acts, namely:—

4 of 1884. (*i*) The Indian Explosives Act, 1884,

30 of 1934. (*ii*) The Petroleum Act, 1934,

7 of 1947. (*iii*) The Foreign Exchange Regulation Act, 1947,

18 of 1947. (*iv*) The Imports and Exports (Control) Act, 1947,

shall extend to, and come into force in, the Islands unless the Central Government, by notification in the Official Gazette, otherwise directs.

Rules of construction.

6. (*1*) In any Act or in any of the rules, notifications, orders, regulations and bye-laws made or issued thereunder and extended to the

Islands by this Regulation,—

(a) any reference to any provision of law not in force, or to any functionary not in existence, in the Islands, shall be construed as a reference to the corresponding law in force, or to the corresponding functionary in existence, in the Islands:

Provided that,—

(i) if any question arises as to who such corresponding functionary is, or

(ii) if there is no such corresponding functionary,

the Administrator shall decide as to who such functionary will be and his decision shall be final;

(b) any reference to the State Government shall be construed as a reference to the Central Government and, unless the Central Government otherwise directs in any case, also as including a reference to the Administrator;

(c) until the Code of Criminal Procedure, 1898, is brought into force in the Islands and magistrates are appointed thereunder, any reference to a magistrate shall be construed as a reference to such officer as the Administrator may, by notification in the Official Gazette of the Islands, appoint. 5 of 1898.

(2) For the purpose of facilitating the application in relation to the Islands of any Act or any rule, notification, order, regulation or bye-law made or issued thereunder, any court or other authority may construe it in such manner, not affecting the substance, as may be necessary or proper to adapt it to the matter before the court or other authority.

Trial of offences.

7. Until the relevant provisions of the Code of Criminal Procedure, 1898, are brought into force in the Islands, all offences under any Act shall be investigated, inquired into, tried and otherwise dealt with according to the provisions of the corresponding law in force in the Islands. 5 of 1898.

Power to remove difficulties.

8. If any difficulty arises in giving effect in the Islands to the provisions of any Act extended to the Islands by this Regulation, the Central Government may, by order published in the Official Gazette, make such provisions or give such directions as appear to it to be necessary for the removal of the difficulty, and any such order may provide for the transfer of any matter pending before any court, tribunal or other authority immediately before the commencement of such Act in the Islands or any part thereof to any corresponding court, tribunal or authority for disposal.

CHAPTER III

MISCELLANEOUS

Power of Administrator to prohibit persons from visiting or residing in the Islands.

9. (*1*) The Administrator may, with the previous sanction of the Central Government, make rules imposing reasonable restrictions in the interests of the general public or for the protection of the interests of any Scheduled Tribe, on the right of any person, who is not a native of the Islands, to visit or reside in the Islands.

(2) The rules made under sub-section (*1*) may provide that any contravention of any of the provisions of the rules shall be punishable with imprisonment which may extend to one month, or with fine which may extend to one thousand rupees, or with both.

Persons to assist if ordered to do so

10. Whoever, when ordered by the Tehsildar or by any other officer empowered in this behalf by the Administrator, fails to report the unauthorised entry or escape from the Islands of any person or foreign national, shall be punishable with fine which may extend to ten rupees.

THE SCHEDULE

[*See* section 3(*1*)]

Year	No.	Short title	Modifications
1	2	3	4
1838	19	The Coasting-Vessels Act, 1838.	
1850	18	The Judicial Officers Protection Act, 1850.	
1855	13	The Indian Fatal Accidents Act, 1855.	
1857	13	The Opium Act, 1857.	
1860	21	The Societies Registration Act, 1860.	
1860	45	The Indian Penal Code.	
1861	5	The Police Act, 1861.	
1870	7	The Court-fees Act, 1870.	
1871	1	The Cattle-trespass Act, 1871.	
1871	23	The Pensions Act, 1871.	
1872	1	The Indian Evidence Act, 1872.	
1872	9	The Indian Contract Act, 1872.	

Year	No.	Short title	Modifications
1	2	3	4
1873	5	The Government Savings Banks Act, 1873.	
1873	10	The Indian Oaths Act, 1873.	
1875	9	The Indian Majority Act, 1875.	
1875	18	The Indian Law Reports Act, 1875.	
1878	1	The Opium Act, 1878.	
1878	6	The Indian Treasure-trove Act, 1878.	In section 4, for "and either deposit the treasure in the nearest Government treasury, or give the Collector such security as the Collector thinks fit, to produce the treasure at such time and place as he may from time to time require", substitute "and deposit the treasure with the Tehsildar of the Union territory of the Laccadive, Minicoy and Amindivi Islands or any part thereof for being deposited in the Government Treasury".
1880	13	The Vaccination Act, 1880.	
1881	16	The Obstructions in Fairways Act, 1881.	After the words, figures and letters "in the territories which, immediately before the 1st November, 1956, were comprised in Part A States and Part C States", wherever they occur, insert "or in the Union territory of the Laccadive, Minicoy and Amindivi Islands".
1881	26	The Negotiable Instruments Act, 1881.	
1882	4	The Transfer of Property Act, 1882.	
1882	7	The Powers-of-Attorney Act, 1882.	
1883	19	The Land Improvement Loans Act, 1883.	
1884	4	The Indian Explosives Act, 1884.	
1884	12	The Agriculturists' Loans Act, 1884.	

Year	No.	Short title	Modifications
1	2	3	4
1885	13	The Indian Telegraph Act, 1885.	
1887	7	The Suits Valuation Act, 1887.	
1887	9	The Provincial Small Cause Courts Act, 1887.	
1888	3	The Police Act, 1888.	
1888	4	The Indian Reserve Forces Act, 1888.	
1890	1	The Revenue Recovery Act, 1890.	
1890	6	The Charitable Endowments Act, 1890.	
1890	8	The Guardians and Wards Act, 1890.	
1891	18	The Bankers' Books Evidence Act, 1891.	
1894	1	The Land Acquisition Act, 1894.	
1894	9	The Prisons Act, 1894.	
1897	3	The Epidemic Diseases Act, 1897.	
1897	4	The Indian Fisheries Act, 1897.	
1897	10	The General Clauses Act, 1897.	
1898	3	The Lepers Act, 1898.	
1898	5	The Code of Criminal Procedure, 1898.	1. In Part V, after section 176, insert— '176A. *Power of Amin to investigate into certain offences.*—(1) Notwithstanding anything contained in this Code, where any cognizable offence triable by a Magistrate of the third class is committed in any area within the local limits of the jurisdiction of an Amin and no police-station is located within a reasonable distance from the place of commission of such offence, the Amin may investigate into such offence and for the purposes of such investigation, the Amin shall have all the powres

Year	No.	Short title	Modifications
1	2	3	4
			conferred and duties imposed by this Chapter on an officer in charge of a police-station. (2) For conducting any investigation under sub-section (1), the Amin shall be assisted by such number of residents of the Laccadive, Minicoy and Amindivi Islands not exceeding four, as the Administrator of the said Islands may appoint in this behalf. *Explanation.*—In this section, "Amin" means any officer appointed by such Administrator to exercise the powers and discharge the duties of an Amin in any local area.' 2. After section 406A, insert— "407. *Appeal from sentence of Magistrate of second or third class.*—(1) Any person convicted on a trial held by a Magistrate of the second or third class may appeal to the District Magistrate. (2) The District Magistrate may direct that any appeal under this section or any class of such appeals shall be heard by any Magistrate of the first class subordinate to him and empowered by the State Government to hear such appeals, and thereupon such appeal or class of appeals may be presented to such Magistrate, or, if already presented to the District Magistrate, may be transferred to such Magistrate. The District Magistrate may withdraw from such Magistrate any appeal or class of appeals so presented transferred.". 3. In section 408, for the words "or any other Magistrate", the words "or other Magistrate of the first class" shall be substituted.

Year	No.	Short title	Modifications
1	2	3	4
			4. For section 409, substitute— "409. *Appeals to Court of Session how heard.*—An appeal to the Court of Session or Sessions Judge shall be heard by the Sessions Judge or by an Additional Sessions Judge : Provided that an Additional Sessions Judge shall hear only such appeals as the State Government may, by general or special order, direct or as the Sessions Judge of the division may make over to him.".
1898	6	The Indian Post Office Act, 1898.	
1899	2	The Indian Stamp Act, 1899	In Schedule I, omit entry 30.
1900	3	The Prisoners Act, 1900.	
1901	2	The Indian Tolls (Army and Air Force) Act, 1901.	
1906	3	The Indian Coinage Act, 1906.	
1908	5	The Code of Civil Procedure, 1908.	In the proviso to sub-section (*3*) of section 1, omit the words "the Amindivi Islands and".
1908	6	The Explosive Substances Act, 1908.	
1908	15	The Indian Ports Act, 1908.	
1908	16	The Indian Registration Act, 1908.	
1911	2	The Indian Patents and Designs Act, 1911.	
1912	4	The Indian Lunacy Act, 1912.	
1912	8	The Wild Birds and Animals Protection Act, 1912.	
1917	5	The Destruction of Records Act, 1917.	
1919	12	The Poisons Act, 1919.	
1920	5	The Provincial Insolvency Act, 1920.	
1920	15	The Indian Red Cross Society Act, 1920.	

Year 1	No. 2	Short title 3	Modifications 4
1920	33	The Identification of Prisoners Act, 1920.	
1920	34	The Indian Passport Act, 1920.	
1922	7	The Emigration Act, 1922.	
1922	22	The Police (Incitement to Disaffection) Act, 1922.	
1923	5	The Indian Boilers Act, 1923.	
1923	8	The Workmen's Compensation Act, 1923.	
1923	19	The Indian Official Secrets Act, 1923.	
1925	4	The Indian Soldiers (Litigation) Act, 1925.	
1925	19	The Provident Funds Act, 1925.	
1925	26	The Indian Carriage of Goods by Sea Act, 1925.	
1926	16	The Trade Unions Act, 1926.	
1927	16	The Indian Forest Act, 1927.	
1927	17	The Indian Lighthouse Act, 1927.	
1929	19	The Child Marriage Restraint Act, 1929.	
1930	2	The Dangerous Drugs Act, 1930.	
1930	3	The Sale of Goods Act, 1930.	
1931	16	The Provisional Collection of Taxes Act, 1931.	
1932	9	The Indian Partnership Act, 1932.	In section 1, for sub-section (3), substitute— "(3) It shall come into force at once except section

Year	No.	Short title	Modifications
1	2	3	4
			69, which shall come into force on the expiry of a period of one year from the date of commencement of the rest of this Act.".
1933	17	The Indian Wireless Telegraphy Act, 1933.	
1934	2	The Reserve Bank of India Act, 1934.	
1934	20	The Indian Carriage by Air Act, 1934.	
1934	22	The Aircraft Act, 1934.	
1934	30	The Petroleum Act, 1934.	
1934	32	The Indian Tariff Act, 1934.	
1936	4	The Payment of Wages Act, 1936.	
1937	26	The Muslim Personal Law (*Shariat*) Application Act, 1937.	
1938	4	The Insurance Act, 1938.	
1938	5	The Manoeuvres, Field Firing and Artillery Practice Act, 1938.	
1938	20	The Criminal Law Amendment Act, 1938.	
1938	26	The Employment of Children Act, 1938.	
1939	16	The Registration of Foreigners Act, 1939.	
1940	10	The Arbitration Act, 1940.	
1940	23	The Drugs and Cosmetics Act, 1940.	
1941	11	The Essential Services (Maintenance) Ordinance, 1941.	
1942	6	The Multi-unit Co-operative Societies Act, 1942.	
1942	18	The Weekly Holidays Act, 1942.	
1944	1	The Central Excises and Salt Act, 1944.	

Year	No.	Short title	Modifications
1	2	3	4
1944	18	The Public Debt Act, 1944.	
1944	38	The Criminal Law Amendment Ordinance, 1944.	
1945	..	The International Monetary Fund and Bank Act, 1945.	
1946	20	The Industrial Employment (Standing Orders) Act, 1946.	
1946	25	The Delhi Special Police Establishment Act, 1946.	
1946	31	The Foreigners Act, 1946.	
1947	2	The Prevention of Corruption Act, 1947.	
1947	7	The Foreign Exchange Regulation Act, 1947.	
1947	14	The Industrial Disputes Act, 1947.	
1947	15	The Armed Forces (Emergency Duties) Act, 1947.	
1947	18	The Imports and Exports (Control) Act, 1947.	
1947	29	The Capital Issues (Control) Act, 1947.	
1947	31	The Antiquities (Export Control) Act, 1947.	
1948	8	The Pharmacy Act, 1948.	
1948	9	The Dock Workers (Regulation of Employment) Act, 1948.	
1948	11	The Minimum Wages Act, 1948.	
1948	15	The Industrial Finance Corporation Act, 1948.	
1948	31	The National Cadet Corps Act, 1948.	
1948	37	The Census Act, 1948.	
1948	56	The Territorial Army Act, 1948.	
1948	63	The Factories Act, 1948.	
1949	8	The Seaward Artillery Practice Act, 1949.	

Year	No.	Short title	Modifications
1	2	3	4
1949	10	The Banking Companies Act, 1949.	
1949	38	The Chartered Accountants Act, 1949.	
1949	46	The Banking Companies (Legal Practitioners' Clients' Accounts) Act, 1949.	
1949	64	The Police Act, 1949.	

S. RADHAKRISHNAN,
President.

THE LACCADIVE, MINICOY AND AMINDIVI ISLANDS (CIVIL COURTS) REGULATION, 1965

NO. 9 OF 1965

Promulgated by the President in the Sixteenth Year of the Republic of India.

A Regulation to provide for the constitution of certain civil courts for the Union territory of the Laccadive, Minicoy and Amindivi Islands and for other matters connected therewith or incidental thereto.

In exercise of the powers conferred by article 240 of the Constitution, the President is pleased to promulgate the following Regulation made by him:—

CHAPTER I

PRELIMINARY

Short title, extent and commencement.

1. (*1*) This Regulation may be called the Laccadive, Minicoy and Amindivi Islands (Civil Courts) Regulation, 1965.

(*2*) It extends to the whole of the Union territory of the Laccadive, Minicoy and Amindivi Islands.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Regulation, unless the context otherwise requires,—

(*a*) "Administrator" means the Administrator of the Islands appointed by the President under article 239 of the Constitution;

(*b*) "civil courts" means the civil courts referred to in section 3;

(*c*) "district court" means the court of the district judge and includes the court of the additional district judge;

(*d*) "High Court" means the High Court exercising jurisdiction in the Islands;

(*e*) "Islands" means the Union territory of the Laccadive, Minicoy and Amindivi Islands.

CHAPTER II

CONSTITUTION OF CIVIL COURTS

Classes of civil courts.

3. As from the date of commencement of this Regulation, there shall be the following classes of civil courts for the Islands (which shall be a district for the purposes of this Regulation), namely:—

(*i*) the district court;

(*ii*) the court of a subordinate judge;

(*iii*) the court of a munsiff.

District judges and additional district judges.

4. (*1*) The district judge shall be appointed by the Central Government after consultation with the High Court.

(*2*) When the business pending before the court of the district judge requires the aid of an additional district judge for its speedy disposal, the Central Government may, after consultation with the High Court, appoint such number of additional district judges as may be necessary.

(*3*) The additional district judges so appointed shall discharge any of the functions of the district judge which the district judge may assign to them and in the discharge of those functions they shall exercise the same powers as the district judge.

(*4*) Nothing in this section shall be deemed to preclude the appointment of any district judge or additional district judge exercising jurisdiction in the State of Kerala as the district judge, or as the case may be, an additional district judge under this Regulation.

Subordinate judges and munsiffs.

5. The Administrator may, after consultation with the High Court,—

(*i*) make rules as to the qualifications of officers in the Islands and other persons who may be appointed as subordinate judges and munsiffs;

(*ii*) appoint as many persons as he thinks necessary to be subordinate judges and munsiffs.

Power to fix local limits of jurisdiction of courts

6. (*1*) The Administrator may, by notification in the Official Gazette of the Islands, fix or alter the local limits of the jurisdiction of the courts of subordinate judges and munsiffs under this Regulation.

(*2*) If the same local jurisdiction is assigned to two or more subordinate judges or two or more munsiffs, the district judge may assign to each of them such civil business cognizable by the subordinate judge or munsiff, as the case may be, as, subject to any general or special order of the High Court, he thinks fit.

(*3*) When the civil business arising within any local area is assigned by the district judge under sub-section (*2*) to one of two or more subordinate judges or munsiffs, the decree or order passed by the subordinate judge or munsiff shall not be invalid by reason only of the case in which it was made having arisen wholly or in part in a place beyond the local area, if that place is within the local limits fixed by the Administrator under sub-section (*1*).

Place of sittings of courts.

7. (*1*) The Central Government may, by notification in the Official Gazette, fix the place or places at which any civil court is to be held.

(*2*) The place or places so fixed may be within or outside the territorial limits of the Islands.

Vacation of courts.

8. (*1*) Subject to such orders as may be made by the Central Government, the High Court shall prepare a list of days to be observed in each year as closed holidays in the civil courts.

(*2*) The list shall be published in the Official Gazette of the Islands.

(*3*) A judicial act done by a civil court on a day specified in the list shall not be invalid by reason only of its having been done on that date.

Seals of courts.

9. Every civil court shall use a seal of such form and dimensions as may be prescribed by the Central Government.

Continuance of proceedings of courts ceasing to have jurisdiction.

10. (*1*) Where any civil court has from any cause ceased to have jurisdiction with respect to any case, any proceeding in relation to that case which, if that court had not ceased to have jurisdiction, might have been had therein, may be had in the court to which the business of the former court has been transferred.

(*2*) Nothing in this section applies to cases for which provision is made in any other enactment for the time being in force.

Temporary charge of office of district judge.

11. (*1*) The Central Government may, by a general or special order published in the Official Gazette, authorise any additional district judge or subordinate judge to assume, without relinquishing his ordinary duties, charge of the office of the district judge in the event of the death, resignation or removal of the district judge or of his being incapacitated by illness or otherwise for the performance of his duties or of his absence from the place at which the court is held:

Provided that nothing herein contained shall be deemed to preclude the Central Government from so authorising any additional district judge or subordinate judge in the State of Kerala.

(*2*) The additional district judge or the subordinate judge assuming charge of the office of the district judge under sub-section (*1*) shall continue in charge thereof until the office is resumed by the district judge or assumed by an officer appointed thereto.

(*3*) While in charge of the office of the district judge, the additional district judge or the subordinate judge, as the case may be, may, subject to any rules which the High Court may make in this behalf, exercise any of the powers of the district judge.

CHAPTER III

ORDINARY JURISDICTION OF CIVIL COURTS

Jurisdiction of the district court and of courts of subordinate judges and munsiffs.

12. (*1*) Save as otherwise provided by any enactment for the time being in force, the district court shall, subject to the provisions of section 15 of the Code of Civil Procedure, 1908, have original jurisdiction in all civil suits without limit as regards the value. 5 of 1908.

(*2*) The jurisdiction in original civil suits as regards the value to be exercised by a subordinate judge or a munsiff shall be determined by the Administrator in such manner as he thinks fit, after consultation with the High Court:

Provided that in no case shall the jurisdiction of a munsiff be without limit.

(*3*) Subject to the general superintendence and control of the High Court, the district judge shall have general control over all civil courts, including the establishment thereof and he may give such directions with respect to matters not provided for by law as he may think necessary.

Appeals from district and additional district judges.

13. (*1*) Save as otherwise provided by any enactment for the time being in force, an appeal from a decree or order of a district judge or an additional district judge shall lie to the High Court.

(2) An appeal shall not lie to the High Court from a decree or order of an additional district judge in any case in which, if the decree or order has been made by the district judge, an appeal would not lie to that court.

Appeals from subordinate judges and munsiffs

14. (1) Save as otherwise provided by any enactment for the time being in force, an appeal from a decree or order of a subordinate judge shall lie—

(a) to the district judge where the value of the original suit in which or in any proceeding arising out of which, a decree or order was made did not exceed five thousand rupees, and

(b) to the High Court in any other case.

(2) Save as aforesaid, an appeal from a decree or order of a munsiff shall lie to the court of the subordinate judge.

Power to invest subordinate judges and munsiffs with small cause court jurisdiction.

15. The Central Government may, by notification in the Official Gazette, confer, within such local limits as it thinks fit, upon any subordinate judge or munsiff the jurisdiction of a judge of a court of small causes under the Provincial Small Cause Courts Act, 1887 for the trial of suits, cognizable by such courts, up to such value not exceeding five hundred rupees as it thinks fit and may withdraw any jurisdiction so conferred:

9 of 1887

Provided that the Central Government may, by notification in the Official Gazette, delegate to the High Court its powers under this section.

Certain decisions to be according to personal law or custom.

16. Where in any suit or other proceeding it is necessary for a civil court to decide any question regarding succession, inheritance, marriage, caste or any religious usage or institution, any custom having the force of law, or any personal law, governing the parties to, or applicable in relation to the properties in issue in, such suit or proceeding shall form the rule of decision except in so far as such custom or personal law has, by legislative enactment, been altered or abolished.

Procedure in cases involving custom or personal law.

17. (1) A court trying such suit or proceeding as is referred to in section 16 shall be assisted by four assessors and the court shall decide such suit or proceeding after obtaining in such manner as the High Court may, by rule, direct, the opinion of each of the assessors separately about the fact in issue:

Provided that where the court disagrees with the opinion of any assessor, it shall record its reasons therefor and decide the suit or

proceeding in accordance with its own opinion about the fact in issue.

(2) Nothing in this section shall apply to the trial of an appeal or any proceeding connected therewith.

List of assessors.

18. (1) The Administrator or such officer as may be appointed by him for the purpose shall, having regard to the provisions of sub-section (5) of section 19, prepare and make out a list of persons liable to serve as assessors in each civil court and forward a copy thereof to the presiding officer of such court.

(2) The list shall be prepared and revised once in every year in such manner as the High Court may, by rules, prescribe.

Assessors how to be summoned and chosen.

19. (1) Assessors for any case or proceeding in a court shall be summoned by the presiding officer thereof from the list of assessors of that court in such manner as the High Court may by rule direct.

(2) The assessors shall be chosen by lot in such manner as the High Court may, by rules, prescribe, from amongst the persons summoned to act as such:

Provided that—

(a) pending the issue of rules under this section, the practice prevailing in the Islands immediately before the commencement of this Regulation in respect of the choosing of assessors shall be followed;

(b) in the case of deficiency of persons summoned to act as assessors, the number of assessors required may, with the leave of the court, be chosen from such other persons as may be present.

(3) As each assessor is chosen, his name shall be called aloud, and upon his appearance, the parties to the suit or proceeding shall be asked if they object to the acceptance of the assessor.

(4) Objection may then be taken to such assessor by any such party and the grounds of objection shall be stated.

(5) Any objection taken to an assessor on any of the following grounds, if made out to the satisfaction of the court, shall be allowed:—

(a) some presumption or actual partiality in the assessor;

(b) some personal ground, such as alienage, deficiency in the qualification required by any law, or rule having the force of law for the time being in force, or, being under the age of 21 or above the age of 60 years;

(c) his having by habit or religious vows relinquished all care of worldly affairs;

(d) his holding any office in or under the court;

(e) his having been convicted of any offence which, in the opinion of the court, renders him unfit to serve as an assessor;

(f) his inability to understand the language in which the evidence is given or when such evidence is interpreted, the language in which it is interpreted;

(g) any other circumstance, which in the opinion of the court renders it improper to require him to act as an assessor.

(6) Every objection taken to an assessor shall be decided by the court, and such decision shall be recorded and be final.

(7) If the objection is allowed, the place of such assessor shall be supplied by any other assessor attending in obedience to a summons and chosen in the manner provided by this section, or if there is no such other assessor present, then, by any other person present in the court, whose name is on the list of assessors, or whom the court considers a proper person to act as an assessor:

Provided that no objection to such assessor or other person is taken and allowed.

CHAPTER IV

SUPPLEMENTAL AND MISCELLANEOUS PROVISIONS

Act 5 of 1908 to apply to suits and proceedings before courts of subordinate judges and munsiffs subject to exceptions.

20. The Code of Civil Procedure, 1908 shall apply to all suits and proceedings before the court of a subordinate judge or munsiff subject to the following exceptions, namely:—

(a) a defendant in a suit may, instead of filing a written statement, make an oral statement of his defence which shall be recorded by the court;

(b) all applications by parties in any suit or proceeding may be made orally before the court;

(c) no appearance, application or act in or to the court, required or authorised by law to be made or done by a party in such court, shall be made or done by a pleader (as defined in the Code of Civil Procedure, 1908) save with the permission of the court; 5 of 1908.

(d) it shall be sufficient for the court to make a memorandum of the substance of the evidence of any witness examined by it and it shall not be necessary for the court to take down evidence of any witness in writing at length unless the court is,

on the application of any party or otherwise, satisfied that there is any special reason for so doing.

Presiding officers of courts not to try suits, cases in which they are interested.

21. (*1*) The presiding officer of a civil court shall not try any suit or other proceeding or hear any appeal, to which he is a party or in which he is personally interested.

(*2*) No presiding officer shall hear an appeal from any judgment, decree, sentence or order passed or made by himself.

(*3*) Where any such suit, proceeding or appeal as is referred to in sub-section (*1*) or sub-section (*2*) comes before any such officer, he shall transmit forthwith the record of such suit, proceeding or appeal, as the case may be, to the court to which he is immediately subordinate with the report of the circumstances attending the reference.

(4) The superior court shall thereupon dispose of the case under section 24 of the Code of Civil Procedure, 1908. 5 of 1908.

(5) For the purposes of this section, the presiding officer of a court subject to the general control of the district judge shall be deemed to be immediately subordinate to the court of the district judge.

Exclusion of the monsoon period from the period of limitation.

22. Notwithstanding anything contained in the Limitation Act, 1963, or any other law for the time being in force in the Islands, if any period of limitation prescribed by the said Act or bu such law for any suit, appeal or application expires on any day during the monsoon period, then in computing the period of limitation for such suit, appeal or application, the period to the extent it has fallen within the monsoon period shall be excluded. 36 of 1963.

Explanation.—In this section "monsoon period" means the period of four months ending on the 15th September.

Ministerial officers of courts.

23. The ministerial officers of the district court shall be appointed by the district judge and the ministerial officers of the courts of subordinate judges and munsiffs shall be appointed by the district judge after consultation with the Administrator.

Abolition of certain courts.

24. All civil courts which are in existence in the Islands immediately before the commencement of this Regulation (hereinafter referred to as the existing civil courts), are hereby abolished.

Existing rights not affected.

25. (*1*) The abolition of any existing civil court under section 24 shall not prejudicially affect the continued operation of any notice served, injunction issued, direction made or proceeding taken before the commencement of this Regulation by such civil court under the powers then conferred upon it.

(2) Every suit, proceeding, case or appeal pending before any of the existing civil courts immediately before the commencement of this Regulation shall, on such commencement, stand transferred to the court exercising, under this Regulation, jurisdiction which corresponds, as far as may be, to the jurisdiction of the court in which the suit, proceeding, case or appeal was pending and the court to which the suit, proceeding, case or appeal is deemed to be transferred, shall proceed to try, hear and determine the matter as if it had been pending with that court.

(3) Any judgment, decree, sentence or order passed or made before the commencement of this Regulation by any existing civil court shall be deemed for the purpose of execution to have been passed by a court constituted under this Regulation which corresponds, as far as may be, to the court which passed or made the judgment, decree, sentence or order, as the case may be.

(4) Any appeal from a judgment, decree, sentence or order passed or made by a court and not appealed against before the commencement of this Regulation shall, after such commencement, lie to the court exercising under this Regulation jurisdiction which corresponds, as far as may be, to the jurisdiction of the court to which such appeal would have lain if this Regulation had not been made and had not come into force.

(5) Where any existing civil court has, by reason of its abolition under section 24, ceased to have jurisdiction with respect to any suit or proceeding, any proceeding in relation to that suit or proceeding which, if that court had not ceased to have jurisdiction, might have been had therein, may be had in the court to which the business of the former court has been transferred under this section.

(6) Nothing contained in this section shall be construed as extending the period of limitation to which any suit, proceeding, case or appeal may be subject.

Removal of difficulties.

26. If any difficulty arises in giving effect to the provisions of this Regulation, the Central Government may, after consultation with the High Court, by order published in the Official Gazette, make such provisions not inconsistent with the purposes of this Regulation, as appear to it to be necessary or expedient for removing the difficulty.

Repeal and saving.

27. Any law in force in the Islands or any area thereof corresponding to this Regulation or any part thereof is hereby repealed:

Provided that the repeal by this Regulation of any law aforesaid shall not affect—

(a) the previous operation thereof; or

(b) any penalty, forfeiture or punishment incurred in respect of any offence committed against any law so repealed; or

(c) any investigation, legal proceeding or remedy in respect of any such penalty, forfeiture or punishment,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed as if this Regulation had not been made and had not come into force:

Provided further that, subject to the provisions of the preceding proviso, anything done or any action taken (including any appointment or delegation made, notification, instruction or direction issued, or any rule, regulation or form issued or framed) under any law hereby repealed shall be deemed to have been done or taken under the corresponding provisions of this Regulation.

S. RADHAKRISHNAN,
President.

R. C. S. SARKAR,
Secy. to the Govt. of India.

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